

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

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|--------------------------|---|-----------------------------|
| IN RE: |) | |
| |) | MDL Docket No. 02-1335-PB |
| |) | |
| TYCO INTERNATIONAL LTD., |) | This document relates to: |
| SECURITIES LITIGATION |) | Civil Action No. 03-1350-PB |
| |) | |
| |) | Individual Actions |
| |) | (Tyco v. Swartz) |
| |) | |

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the parties hereby stipulate to the severance and dismissal, with prejudice, of the claims alleged by the Plaintiffs in Civil Action No. 02-1335-PB (the “Securities Class Action Plaintiffs”) against Mark H. Swartz (“Swartz”) and thereafter assigned to Plaintiff Tyco International Ltd. (“Tyco”) (the “Officer Assigned Claims”).

The Officer Assigned Claims against Swartz are more specifically identified as follows:

- Originally alleged by the Securities Class Action Plaintiffs in the Consolidated Securities Class Action Complaint, MDL Docket No. 02-1335-PB (“Securities Action”);
- Assigned to Tyco by operation of the Stipulation of Settlement entered into by and between the Securities Class Action Plaintiffs and Tyco, among others, on July 6, 2007 and approved by the Court by Order entered 12/19/2007;
- Severed from the Securities Action and styled as *The Securities Action Class, by and through Tyco International Ltd. as assignee v. Mark H. Swartz*, by Order entered 8/5/2008; and

- Consolidated for pretrial purposes with *Tyco v. Mark H. Swartz*, Original Civil Action No. 03-2247 (S.D.N.Y.) (MDL Docket No. 03-1350-PB), by Order entered 8/5/2008.

Pursuant to Rule 41(a)(1)(ii), this Stipulation of Dismissal is signed by or on behalf of all parties who have appeared in this action. The parties stipulate that this dismissal is limited to the Officer Assigned Claims against Swartz and will have no effect on Tyco pursuing all other remaining claims against Swartz in this or any other action and all Officer Assigned Claims against parties other than Swartz.

Each party shall bear its own costs, attorneys' fees, and expenses.

It is SO ORDERED this 14 day of July, 2009,

/s/ Paul Barbadoro
Paul Barbadoro
United States District Judge

Respectfully submitted,

/s/ Michael J. Grudberg
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Respectfully submitted,

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Attorneys for Plaintiff Tyco International Ltd.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing were served this date on the attached Service List through ECF or by mail for those on the list who do not have an ECF Registration.

/s/ Edward A. Haffer

SERVICE LIST

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